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KENNETH SIMMONS

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

KENNETH SIMMONS,

Plaintiff,

v.

CITY OF SAN DIEGO, ET AL,

Defendants.

Case No. 3:16-cv-02158-W-KSC
[*Assigned to Hon. Karen S. Crawford]*

STIPULATION FOR DISMISSAL; [PROPOSED ORDER]

TO THE HONORABLE COURT:

The parties, plaintiff KENNETH SIMMONS and defendants CITY OF SAN DIEGO, OFFICER CARLOS ROBLES and OFFICER KYLE WILLIAMS (collectively “defendants”), through their respective attorneys, hereby stipulate as follows:

1. Plaintiff’s cause of action for Excessive Force – 42 U.S.C. § 1983, is hereby dismissed without prejudice; and

2. All parties shall bear their own attorney’s fees and costs; and

3. This case shall be remanded to State court to litigate the remaining state causes of action, forthwith.

SO STIPULATED.

Respectfully submitted,

Dated: December 8, 2016

FILER|PALMER, LLP
SIAS | CARR, LLP

By:_______/s/ Peter L. Carr IV_________
Peter L. Carr, IV
Justin A. Palmer
Attorneys for Plaintiff,
KENNETH SIMMONS

Dated: December 8, 2016

OFFICE OF CITY ATTORNEY

By:__/s/_Keith Phillips___________
Keith Phillips
Attorneys for Defendants,
CITY OF SAN DIEGO, OFFICER KYLE WILLIAMS, and OFFICER CARLOS ROBLES

SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies & Procedures Manual, I hereby certify that the contents of this document are acceptable to Mr. Keith Phillips, counsel for Defendants, and that I have obtained Mr. Phillips' authorization to affix his electric signature to this document.

Dated: December 8, 2016 By: __/s/ Justin A. Palmer____

CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen and not a party to the within action; my business address is: 249 East Ocean Boulevard, Suite 501, Long Beach, CA 90802, which is in the City, County and State where this mailing occurred.

On the date specified herein below, I served the foregoing document, described herein, on all interested parties in this action by placing a true copy thereof enclosed in sealed envelope(s), Los Angeles, California, addressed as follows:

Date of Service: December _9_, 2016

DOCUMENT SERVED: Error! No text of specified style in document.

SEE ATTACHED SERVICE LIST

☒_ **BY FIRST CLASS U. S. MAIL** I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

☒ **(Federal)** I declare that I am employed in the office of a member of the bar of this court at whose discretion this service was made.

Executed at Long Beach, California on this date, December 9, 2016

____

/s/ Ashley A. Palmer
Ashley A. Palmer

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